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REISSUE APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Habing et al.

U.S. Pat. No. 5,499,956

Issued: March 19, 1996

Title: ARTICULATED LOWER BODY EXERCISER

Serial No. 08/199,665

Filed: February 22, 1994

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REISSUE APPLICATION TRANSMITTAL LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Certificate of Mailing

I hereby certify that this Transmittal Letter and the documents listed below are being deposited with the United States Postal Service as Express Mail No. EI734716862US, in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on this 11th day of November, 1997.

MAK ll  
Mark A. Krull

Enclosed are the following items for filing in the above-referenced reissue application:

1. A copy of U.S. Pat. No. 5,499,956, submitted in accordance with MPEP 1416.
2. The specification and claims of U.S. Pat. No. 5,499,956, submitted in accordance with MPEP 1411.
3. Newly added claims 10-30, submitted in accordance with MPEP 1453.
4. Copies of the drawings in U.S. Pat. No. 5,499,956 and a letter requesting transfer of the drawings from the original patent file, submitted in accordance with MPEP 1413.
5. Declaration of the Assignee of U.S. Pat. No. 5,499,956.

6. Request for a Title Report and accompanying check for \$25.00.
7. Information Disclosure Statement, Form PTO-1449, and copies of the cited references.
8. Request that an Interference be Declared.
9. Return Post Card.

Please note that the filing of the oath or declaration and the filing fee is being deferred in accordance with MPEP 1403, 1410.

Respectfully submitted,

MAKr  
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REISSUE APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Habing et al.  
U.S. Pat. No. 5,499,956  
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REQUEST THAT AN INTERFERENCE BE DECLARED

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This document is being filed in accordance with 37 C.F.R. 1.607 to request that an interference be declared between the above-identified reissue application and U.S. Pat. No. 5,573,480 to Rodgers, Jr.

The proposed count is as follows:

An exercise device, comprising:

a frame having a base portion adapted to be supported by a floor;

first and second reciprocating members, each reciprocating member having a first end and a second end;

a rotating member supported by said frame and defining a pivot axis;

means for attaching said second ends of said first and second reciprocating members to said rotating member so that rotation of said rotating member results in rotation of said second ends of said first and second reciprocating members

in a substantially circular path about said axis while a portion of each of said first and second reciprocating members distal said second end of each said first and second reciprocating member moves in a reciprocating pattern;

a first foot supporting linkage assembly pivotally connected to said first reciprocating member proximate said first end of said first reciprocating member; and

a second foot supporting linkage assembly pivotally connected to said second reciprocating member proximate said first end of said second reciprocating member,

wherein each foot of the user of the device is movable through a substantially elliptical path.

Claim 10 of the Rodgers, Jr. patent corresponds substantially to the proposed count. Claim 14 of the Rodgers, Jr. patent also corresponds substantially to the proposed count.

Claim 10 in the above-identified application corresponds exactly to the proposed count. Claim 13 in the above-identified application corresponds substantially to the proposed count. The differences between claims 10 and 13 of the above-identified application are comparable to the differences between claims 10 and 14 of the Rodgers, Jr. patent.

Claim 11 in the above-identified application corresponds substantially to claim 11 of the Rodgers, Jr. patent, and claim 14 in the above-identified application corresponds substantially to claim 15 of the Rodgers, Jr. patent.

Claim 12 in the above-identified application corresponds substantially to claim 10 of the Rodgers, Jr. patent, and claim 15 in the above-identified application corresponds substantially to claim 14 of the Rodgers, Jr. patent.

Claims 16-23 read upon the device disclosed in the Rodgers, Jr. patent and therefore, might also be considered relevant to this request.

All of the limitations in claims 10-23 of the above-identified application are shown in Figure 3 of the original patent drawings.

Respectfully submitted,

MAKell

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US005499956A

**United States Patent [19]**

Habing et al.

[11] Patent Number: **5,499,956**[45] Date of Patent: **Mar. 19, 1996**[54] **ARTICULATED LOWER BODY EXERCISER**

[75] Inventors: **Theodore G. Habing, Long Beach;**  
**✓ Robson L. Splane, Jr., Granada Hills,**  
**both of Calif.**

[73] Assignee: **NordicTrack, Inc., Chaska, Minn.**[21] Appl. No.: **199,665**[22] Filed: **Feb. 22, 1994****Related U.S. Application Data**

[63] Continuation-in-part of Ser. No. 984,301, Dec. 1, 1992, Pat. No. 5,299,993.

[51] Int. CL<sup>6</sup> ..... A63B 22/00; A63B 23/10

[52] U.S. CL. ..... 482/52; 482/51

[58] Field of Search ..... 482/51, 52, 53,  
482/79, 80, 57[56] **References Cited****U.S. PATENT DOCUMENTS**

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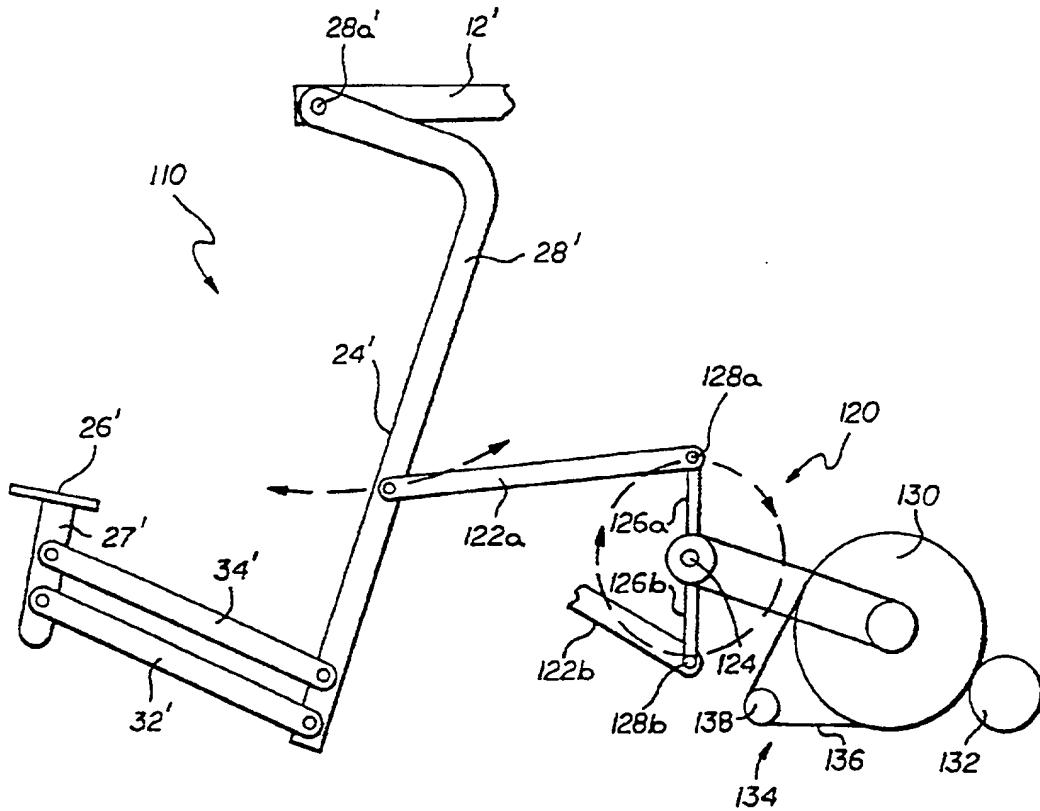
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Primary Examiner—Stephen R. Crow  
 Attorney, Agent, or Firm—Merchant, Gould, Smith, Edell,  
 Welter & Schmidt

[57] **ABSTRACT**

An exercise machine has a pair of laterally spaced apart foot pedals, each of which is independently coupled to a frame by a respective articulated linkage. Each such linkage has a generally vertical arm that is pivotally coupled to the frame and a generally horizontal arm that is pivotally coupled to its respective foot pedal. These arms are pivotally coupled to one another such that each foot pedal is free to move with in a two-dimensional envelope of motion in a vertical plane. The linkage members are arranged so that the envelope of motion has a generally ovate shape, slightly inclined to the horizontal. The exercises performed with this apparatus may have both vertical and horizontal components of motion. The vertical arms may be interconnected by a crank assembly to relate the horizontal components of motion of the two linkages in an alternating reciprocating fashion.

**9 Claims, 3 Drawing Sheets**

## ARTICULATED LOWER BODY EXERCISER

### RELATED APPLICATION

This application is a continuation-in-part of application Ser. No. 07/984,301 filed Dec. 1, 1992, now U.S. Pat. No. 5,299,993.

### BACKGROUND OF THE INVENTION

#### 1. Field of the Invention

This invention relates generally to the field of exercise equipment, and particularly to a lower body exerciser that combines elements of both a stepping exercise and a running exercise.

#### 2. Prior Art

A wide variety of exercise devices have been developed for exercising the various muscle groups of the human body. One class of such devices that is particularly adapted for exercising the lower body consists of cycle-type exercisers. These machines generally simulate the exercise experienced when pedaling a cycle. The operator sits in either an upright, semi-recumbent or recumbent position and operates a pair of foot pedals on a crank shaft. The operator's feet travel in a circular path, each foot constrained to move exactly out of phase with the other.

Another class of machines for exercising the lower body consists of treadmills that permit a walking or running exercise. In a treadmill exercise, there is typically no resistance other than the weight of the operator's body, the effect of which may be amplified by elevating the forward end of the treadmill.

Yet another class of lower body exercisers that has become popular in recent years, consists of machines that simulate climbing stairs. These machines typically have a pair of pedals pivotally mounted to a frame for up and down movement in an accurate path. Operation of the pedals may be either dependent or independent. Typically, resistance is provided only for the downward stroke of each pedal so that the resulting exercise accurately simulates stair climbing.

Each of the above-mentioned classes of lower body exercisers is useful for achieving particular exercise objectives; however, each such class of exerciser is also limited by the inherent mechanical limitations on the range of motion.

### SUMMARY OF THE INVENTION

One of the objects of the present invention is to provide an exercise machine that combines the benefits of the specific exercises that can be performed individually on prior art lower body exercisers.

Another object of the present invention is to provide a lower body exerciser with a range of motion heretofore unachievable with prior art exercisers.

These and other objects of the present invention are achieved in a machine having a pair of laterally spaced apart foot pedals, each of which is independently coupled to a frame by a respective articulated linkage. Each such articulated linkage has a generally vertical linkage that is pivotally coupled to the frame and a generally horizontal linkage that is pivotally coupled to its respective foot pedal. These linkages, each of which may comprise a single or a pair of linkage arms, are pivotally coupled to one another such that each foot pedal is free to move within a two-dimensional envelope of motion in a vertical plane. The linkage arms are arranged so that the envelope of motion has a generally

ovate shape, slightly inclined to the horizontal. The exercise performed with this apparatus involves both vertical motion as with prior art machines that simulate stair climbing and horizontal motion as with prior art treadmills. The vertical and horizontal components of motion may each have separate resistance means. Furthermore, the rearward horizontal component of motion may be externally powered or powered solely by the operator, just as with a treadmill.

In one embodiment of the invention, the vertical linkages are interconnected by a crank assembly so that the horizontal motion of the two articulated linkages is an alternating reciprocating striding motion. This facilitates use of the machine in a runner/walker mode of operation which may be selectively combined with a vertical component of exercise motion. The crank assembly may be locked in position to operate the machine purely as a stair-climbing simulator without a horizontal component of motion.

#### BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is an overall perspective view of an apparatus according to the present invention.

FIG. 2 diagrammatically illustrates the range of motion of the apparatus shown in FIG. 1.

FIG. 3 diagrammatically illustrates a modification of the present invention as shown in FIG. 1.

#### DETAILED DESCRIPTION OF THE INVENTION

In the following description, for purposes of explanation and not limitation, specific details are set forth in order to provide a thorough understanding of the present invention. However, it will be apparent to one skilled in the art that the present invention may be practiced in other embodiments that depart from these specific details. In other instances, detailed descriptions of well-known methods and devices are omitted so as to not obscure the description of the present invention with unnecessary detail.

An apparatus 10 according to the present invention is shown generally in FIG. 1. A frame 12 comprises a generally upright member 14 and a base member 16. Frame 12 is supported on a floor by front leg members 18 and rear leg members 20. Frame 12 is conveniently fabricated from square or rectangular section steel tubing as is conventional in the field of exercise equipment.

A pair of brackets 22 are welded or otherwise secured to upright member 14 at an intermediate position thereon. A pair of articulated assemblies 24 are suspended from brackets 22. Assemblies 24 are disposed on opposite sides of a longitudinal center line of frame 12. Each of articulated assemblies 24 is coupled to a respective foot pedal 26.

Each of identical articulated assemblies 24 comprises a vertical linkage arm 28, a lower horizontal linkage arm 32 and an upper horizontal linkage arm 34. Vertical linkage arm 28 is pivotally coupled to bracket 22 at pivot point 28a. The horizontal linkage arms 32 and 34 are pivotally coupled to vertical linkage arm 28 at pivot points 36a and 36b, respectively. Horizontal linkage arms 32 and 34 are also pivotally coupled to foot pedal bracket 27 at pivot points 32a and 34a, respectively. Lower horizontal arm 32 is preferably longer than upper horizontal arm 34 in order to progressively tilt the foot pedal through its range of motion as described below. In an alternative embodiment, a pair of vertical linkage arms may be employed so that articulated assembly 24 comprise two complete four-bar linkages. In this variation of the

invention, an intermediate linkage connector is used to couple the pairs of vertical and horizontal linkage arms.

As will be more fully explained below, articulated assemblies 24 allow their respective associated foot pedals 26 to move within a two-dimensional envelope of motion in a vertical plane parallel to the longitudinal center line of frame 12. To utilize device 10, an operator stands facing upright member 14 with each foot on a respective one of foot pedals 26. Handrails 38, to be grasped by the operator for balance and support, extend from rear leg members 20 upwardly and forwardly to upright frame member 14. A display and control panel 40 houses a microprocessor-based control system for the apparatus and includes display devices for providing the operator with pertinent information regarding the exercise being performed. Panel 40 also includes input devices for selecting various exercise parameters.

Foot pedals 26 are preferably biased towards an upward and forward position which provides a convenient starting position for the exercises that may be performed utilizing apparatus 10. A spring 42 is attached to a tab 44 which in turn is secured to base member 16. A short cable 46 is attached to the opposite end of spring 42 and is reeved around pulley 48 which is rotatably mounted to upright member 14. Cable 46 is attached to vertical linkage member 28 near linkage connector 36. The length of cable 46 is such that spring 42 is maintained in tension even when vertical linkage member 28 is resting against stop 50. The characteristics of spring 42 are selected so as to provide the desired amount of forward biasing force for articulated assembly 24.

In similar manner, spring 52 provides a vertical biasing force. One end of spring 52 is attached to tab 54 which in turn is secured to upright member 14. The opposite end of spring 52 is coupled to cable 56 which is reeved over pulley 58 rotatably mounted on bracket 22 concentric with pivot point 28a, and then over pulley 60 which is rotatably mounted on vertical linkage member 30. Cable 56 is attached to horizontal linkage member 34. The length of cable 56 and the characteristics of spring 52 are selected so as to provide the desired amount of upward biasing force for articulated assembly 24.

It will be recognized that apparatus 10 may be used to perform exercises against the resistance afforded only by springs 42 and 52. However, it is preferred that these springs be used only to bias the foot pedals 26 into their upward and forward resting positions and that separate means 100 be provided for regulating and/or resisting movement of the articulated assemblies. Numerous resistance means suitable for use with apparatus 10 are well known in the art. In particular, various forms of electromechanical resistance have been successfully developed for use with exercise machines that simulate stair climbing. For example, U.S. Pat. No. 4,708,338 to Potts discloses a resistance system utilizing an electrical alternator and a variable load resistor to provide dynamic braking. Such a system is easily adapted for use with the present invention. Another resistance system utilizing a flywheel and friction belt is disclosed in U.S. Pat. No. 4,938,474 to Sweeney et al. This system is also easily adapted to the present invention.

The foregoing examples are not the only means for providing resistance that are suitable for use with the present invention. Indeed, virtually any device for providing resistance may be adapted for use with this invention, such as weights, springs, electromagnetic devices, etc. Furthermore, it will be recognized that the present invention may also be advantageously employed in modes that regulate or control the operator's motions rather than simply providing resistance.

Articulated assemblies 24 are coupled to the resistance means by drive shaft 70. Separate drive pulleys are provided for the vertical and horizontal linkage members. Drive pulley 72 is coupled to vertical linkage arm 28 by flexible member 74. In like manner, horizontal linkage arm 34 is coupled to drive pulley 76 by flexible member 78. Corresponding drive pulleys and flexible coupling members, although not shown, are provided for the articulated assembly on the left side of apparatus 10. Flexible members 74 and 78 may be cables, chains, belts or other transmission devices as are conventionally used in the art of exercise equipment. As illustrated in FIG. 1, apparatus 10 has a single drive shaft 70. However, it can readily be seen that separate drive shafts and separate resistance means may be provided for the respective vertical and horizontal linkage arms. In this manner, the resistance for the vertical and horizontal components of motion may be separately selected. By extension, resistance means could also be separately provided for each of the pair of articulated assemblies, although the expense and complexity of doing so would likely outweigh any benefits.

Referring now to FIG. 2, the path followed by one of the foot pedals 26 in the course of performing an exercise with apparatus 10 is illustrated. Position A is the rest position in which foot pedal 26 is biased to an upward and forward position by the action of springs 42 and 52 as explained above. In this position, foot pedal 26 is substantially horizontal, thereby permitting an operator to simply step up onto the foot pedals in order to perform an exercise. As the operator's weight is transferred to foot pedal 26, it begins to descend, pivoting primarily about pivot points 36a and 36b until horizontal linkage arm 32 is in contact with roller 80 as illustrated at position B. In this position, foot pedal 26 is slightly inclined. This gives the operator greater leverage for performing the optional horizontal stroke of the exercise.

From position B, the operator may simply transfer weight to the opposite foot pedal, thereby returning to position A and thus performing a simple vertical step exercise. Alternatively, from position B, the operator may push backward against foot pedal 26 to add a horizontal running stroke to the exercise. This stroke, the length of which is determined by the natural stride of the operator, terminates at position C. At this position, the inclination of foot pedal 26 has increased. From position C, the operator will naturally transfer weight to the opposite foot pedal, and the foot pedal shown in FIG. 2 will tend to return to starting position A under the influence of springs 42 and 52. The foot pedal is not constrained to follow a particular path from point C back to point A; instead, the pedal follows the natural path of the operator's foot, which is generally a smooth, curved path as illustrated.

An optional feature of the present invention is to provide a source of power, such as a D.C. motor, for roller 80 so that the horizontal stroke between positions B and C is powered, much in the manner of a treadmill. When operating in this mode, the individual expends energy to keep pace with retreating foot pedal 26, but is not applying muscular energy to force it backward as in the unpowered mode. With the option of supplying power to roller 80, it is desirable to have an unpowered idler roller 82 immediately behind roller 80 so that the terminal portion of the horizontal stroke is unpowered. This is important for safety considerations and also provides a more pleasing feel to the exercise. It will be seen that as the horizontal stroke proceeds from position B to position C, horizontal linkage member 32 "tips over" roller 80 to engage roller 82 and thereby disengage from roller 80.

It will be appreciated that apparatus 10 can be operated in a number of different modes. The operator may utilize

vertical only or both vertical and horizontal components of motion. Furthermore, the resistance for each component of motion may be the same, or resistance to horizontal motion may be a predetermined percentage of the resistance to vertical motion, or each component may be separately adjusted or eliminated entirely. Also, as just discussed, the horizontal component of motion may be powered in a backward direction in the manner of a treadmill, which may be used in combination with any desired resistance to the vertical component of motion. Thus, a variety of exercises may be performed to focus on the particular needs and desires of the operator.

FIG. 3 illustrates a modified version of the above-described exerciser. Apparatus 110 is fundamentally similar to apparatus 10. Components of the modified device that are functionally equivalent to components of apparatus 10 have corresponding reference numerals appended with a prime. Apparatus 110 has a pair of identical articulated assemblies 24'; however, only one such assembly is shown for the sake of clarity. Vertical linkage arm 28' is coupled to frame 12' at pivot point 28a'. Arm 28' is coupled to crank assembly 120 by arm 122a. Crank assembly 120 includes crankshaft 124 and crank arm 126a, to which arm 122a is attached at crank pin 128a. Crank arm 126b is also attached to crankshaft 124, 180° out of phase from crank arm 126a. Arm 122b, which is only partially shown, is coupled to crank arm 126b at crank pin 128b and is also coupled to the other vertical linkage arm (unseen in the figure).

As a result of the interconnection of vertical linkage arms 24' by crank assembly 120, pivotal motion of either of the arms about pivot point 28a' causes a corresponding but opposite pivotal movement of the other arm. The two vertical linkage arms thus move with an alternating reciprocating action when the user introduces a horizontal component of motion in the exercise, i.e., when apparatus 110 is used in other than a purely stair-climbing simulation mode. If the crank assembly is locked in position, the vertical linkage arms remain stationary (preferably with both arms parallel) and the only exercise movement possible is vertical movement of the horizontal linkage arms 32', 34', thereby providing a simulation of stair climbing.

Crank assembly 120 is preferably coupled to a flywheel 130 which, in turn, is coupled to a motor 132 and an exercise resistance unit 134. The latter may comprise a friction belt 136 and a belt engagement device 138 for varying the tension in belt 136. Such a resistance unit is described, for example, in U.S. Pat. No. 4,938,474. Resistance against vertical movement of the horizontal linkage arms is provided in the same manner as described above for apparatus 10.

When apparatus 110 is operated in a runnerwalker mode, crank assembly 120 is preferably initially powered by motor 132 to establish the exercise motion. After a predetermined

start-up period of time, or when the proper exercise rhythm on the part of the user is sensed, the motor is disengaged or transitions to a free-wheeling mode and resistance unit 134 begins to apply a selected level of resistance to the striding motion of vertical linkage arms 28'. In lieu of resistance unit 134, motor 132 may be made operable in a generator mode to provide dynamic braking resistance to flywheel 130.

It will be recognized that the above described invention may be embodied in other specific forms without departing from the spirit or essential characteristics of the disclosure. Thus, it is understood that the invention is not to be limited by the foregoing illustrative details, but rather is to be defined by the appended claims.

What is claimed is:

1. An exercise machine comprising:
  - (a) a frame;
  - (b) a pair of laterally spaced apart foot pedals, each pedal coupled to the frame by a respective articulated linkage comprising a generally vertical first linkage pivotally coupled to the frame and a generally horizontal second linkage pivotally coupled to both the first linkage and the respective foot pedal;
  - (c) a crank assembly coupled to both of the first linkages such that the first linkages move with an alternating reciprocating action;
  - (d) motor means coupled to the articulated linkage of each foot pedal for regulating movement thereof.
2. The exercise machine of claim 1 wherein the second linkage comprises a first arm and a second arm, each independently pivotally coupled to the foot pedal and the first linkage.
3. The exercise machine of claim 2 wherein the first and second linkage arms are of unequal length.
4. The exercise machine of claim 3 wherein the pivotal couplings of the first and second linkage arms are such that the foot pedal is progressively inclined as the foot pedal travels from an upper, forward position to a lower, rearward position.
5. The exercise machine of claim 1 further comprising means for biasing the foot pedals to a starting position.
6. The exercise machine of claim 5 wherein the biasing means comprises a spring.
7. The exercise machine of claim 1 wherein said motor means is coupled to the crank assembly for driving the first linkages with an alternating reciprocating action.
8. The exercise machine of claim 7 wherein the means for regulating movement comprises a flywheel for regulating movement of the first linkages.
9. The exercise machine of claim 8 wherein the motor means is selectively coupled to the flywheel to drive the first linkages during only a portion of an exercise routine.

\* \* \* \* \*

10. An exercise device, comprising:  
a frame having a base portion adapted to be supported  
by a floor;  
first and second reciprocating members, each  
reciprocating member having a first end and a second end;  
a rotating member supported by said frame and defining  
a pivot axis;  
means for attaching said second ends of said first and  
second reciprocating members to said rotating member so that  
rotation of said rotating member results in rotation of said  
second ends of said first and second reciprocating members in a  
substantially circular path about said axis while a portion of  
each of said first and second reciprocating members distal said  
second end of each said first and second reciprocating member  
moves in a reciprocating pattern;  
a first foot supporting linkage assembly pivotally  
connected to said first reciprocating member proximate said first  
end of said first reciprocating member; and  
a second foot supporting linkage assembly pivotally  
connected to said second reciprocating member proximate said  
first end of said second reciprocating member,  
wherein each foot of the user of the device is movable  
through a substantially elliptical path.

11. The exercise device of claim 10, wherein said means  
comprises:  
a first element attached at one end to said rotating  
member proximate said pivot axis, and at its other end to said  
second end of said first reciprocating member; and

a second element attached at one end to said rotating member proximate said pivot axis, and at its other end to said second end of said second reciprocating member.

12. The exercise device of claim 10, further comprising a flywheel rotatably mounted on said frame; and a means for connecting said flywheel to said rotating member so that rotation of said rotating member causes rotation of said flywheel.

13. An exercising device, comprising:

a frame having a base portion adapted to be supported by a floor;

first and second reciprocating members, each reciprocating member having a first end and a second end;

a rotating member supported by said frame and defining a pivot axis;

means for attaching said second ends of said first and second reciprocating members to said rotating member so that rotation of said rotating member results in rotation of said second ends of said first and second reciprocating members in a substantially circular path about said pivot axis while a portion of each of said first and second reciprocating members distal said second end of each said first and second reciprocating member moves in a reciprocating pattern;

first and second linkage assemblies, said first linkage assembly pivotally connected proximate one end to said first reciprocating member proximate said first end of said first reciprocating member, said second linkage assembly pivotally connected proximate one end to said second reciprocating member proximate said first end of said second reciprocating member,

each linkage assembly being pivotally attached at its other end  
to said frame distally from said crank,

wherein each foot of the user is movable through a  
substantially elliptical path.

14. The exercise device of claim 13, wherein said means  
comprises:

a first element attached at one end to said rotating  
member proximate said pivot axis, and at its other end to said  
second end of said first reciprocating member; and

a second element attached at one end to said rotating  
member proximate said pivot axis, and at its other end to said  
second end of said second reciprocating member.

15. The exercise device of claim 13, further comprising a  
flywheel rotatably mounted on said frame; and a means for  
connecting said flywheel to said rotating member so that rotation  
of said rotating member causes rotation of said flywheel.

16. An exercise apparatus, comprising:

a frame designed to rest upon a floor surface;  
a crank mounted on the frame and rotatable relative  
thereto about a crank axis;

a first rigid member having a first portion movably  
connected to the crank and rotatable therewith about the  
crank axis, and a second portion movable in reciprocal fashion  
relative to the frame;

a second rigid member having a first portion movably  
connected to the crank and rotatable therewith about the  
crank axis, and a second portion movable in reciprocal fashion  
relative to the frame;

a first foot supporting linkage assembly movably connected to the first rigid member; and

a second foot supporting linkage assembly movably connected to the second rigid member, wherein each foot of a person standing on the apparatus is movable through a generally elliptical path.

17. The exercise device of claim 16, wherein the frame supports at least one roller which carries the weight of a person standing on the apparatus.

18. The exercise device of claim 16, wherein the first rigid member has a distal end opposite the crank, and the first foot supporting linkage assembly is connected to the first rigid member proximate the distal end.

19. The exercise device of claim 16, wherein the first foot supporting linkage assembly includes a rocker link rotatably connected to the frame.

20. An exercise apparatus, comprising:

a frame designed to rest upon a floor surface;  
a crank mounted on the frame and rotatable about a crank axis relative to the frame;

a left foot support and a right foot support, each said foot support supported by the frame and movable through a generally elliptical path of motion relative to the frame;

at least one left link movably interconnected between the crank and the left foot support, wherein the at least one left link includes a rigid member having a first portion which rotates together with the crank about the crank axis and having a second portion which moves in a reciprocating path;

at least one right link movably interconnected between the crank and the right foot support, wherein the at least one right link includes a rigid member having a first portion which rotates together with the crank about the crank axis and having a second portion which moves in a reciprocating path; and  
a resistance device operable to resist rotation of the crank.

21. The exercise device of claim 20, wherein the frame supports at least one roller which carries the weight of a person standing on the apparatus.

22. The exercise device of claim 20, wherein the right foot support is connected to the rigid member of the at least one right link, proximate the second portion thereof.

23. The exercise device of claim 20, wherein the at least one right link includes a rocker link rotatably interconnected between the frame and the right foot support.

24. An exercise apparatus, comprising:  
a frame designed to rest upon a floor surface;  
a crank mounted on the frame and rotatable about a crank axis relative to the frame;  
a left foot support and a right foot support, each said foot support movable through a variable path of motion relative to the frame;

at least one left link movably interconnected between the crank and the left foot support, wherein the at least one left link includes a rigid member having a first portion which rotates together with the crank about the crank axis and having a second portion which moves in a reciprocating path;

at least one right link movably interconnected between the crank and the right foot support, wherein the at least one right link includes a rigid member having a first portion which rotates together with the crank about the crank axis and having a second portion which moves in a reciprocating path; and  
a resistance device operable to resist rotation of the crank.

25. The exercise device of claim 24, wherein the at least one right link includes a rocker link rotatably interconnected between the frame, the right foot support.

26. An exercise apparatus, comprising:  
a frame designed to rest upon a floor surface;  
a crank mounted on the frame and rotatable about a crank axis relative to the frame;  
a first link movably connected to the frame;  
a second link movably connected to the first link;  
a foot support connected to the second link and movable through multiple paths of motion relative to the frame;  
a third link movably interconnected between the crank and one of the first link and the second link; and  
a resistance device operable to resist rotation of the crank.

27. The exercise device of claim 26, wherein the third link is movably connected to the first link, and rotation of the crank causes the first link to move in reciprocating fashion relative to the frame.

28. An exercise apparatus, comprising:  
a frame designed to rest upon a floor surface;  
a first rigid member, connected to the frame, and  
movable in a first direction;  
a second rigid member, connected to the first rigid  
member, and movable in a second, generally orthogonal direction;  
a crank rotatably mounted on the frame and linked to  
one of the first rigid member and the second rigid member in such  
a manner that rotation of the crank moves said one of the first  
rigid member and the second rigid member in its respective  
direction;

a foot support connected to the other of the first  
rigid member and the second rigid member; and  
a resistance device operable to resist rotation of the  
crank.

29. The exercise device of claim 28, wherein a third rigid  
member is interconnected between the crank and the first rigid  
member, so that rotation of the crank causes the first rigid  
member to move in reciprocating fashion relative to the frame.

30. The exercise device of claim 28, wherein the foot  
support is constrained to occupy a substantially constant  
orientation during exercise motion.

#4

REISSUE APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Habing et al.

Serial No: 08/967,473

Filed: 11/11/97

Title: ARTICULATED LOWER BODY EXERCISER

DECLARATION OF SMALL ENTITY STATUS

On behalf of Stearns Technologies, Inc., a Texas corporation having a principal place of business at 8009 Cedel, Houston, Texas 77055, I, Kenneth W. Stearns, hereby declare that:

I am authorized to execute this Declaration on behalf of Stearns Technologies, Inc;

Stearns Technologies, Inc. is the owner of U.S. Pat. No. 5,499,956 and the above-identified application to reissue same;

Stearns Technologies, Inc. qualifies as a small business concern, as defined in 37 C.F.R. 1.9(d), for purposes of paying reduced fees to the Patent and Trademark Office under Title 35 of the United States Code;

Stearns Technologies, Inc. has not assigned, granted, conveyed, or licensed, nor is it under any obligation to assign, grant, convey, or license any rights in U.S. Pat. No. 5,299,993 to Habing, or the invention described therein, to any person who could not be classified as an independent inventor under 37 C.F.R. 1.9(c) if that person had made the invention, or to any concern which could not qualify as a small business concern under 37 C.F.R. 1.9(d), or as a nonprofit organization under 37 C.F.R. 1.9(e);

In accordance with 37 C.F.R. 1.28(b), I am under a duty to file notification of any change resulting in loss of entitlement to small entity status; and

All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; these statements are made with the knowledge that willful false statements and the like are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and with knowledge that any such willful false statements and the like may jeopardize the validity of any resulting patent.

FURTHER DECLARANT SAYETH NOT.

STEARNS TECHNOLOGIES, INC.

  
\_\_\_\_\_  
Kenneth W. Stearns, President

  
\_\_\_\_\_  
Date



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REISSUE APPLICATION

THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No: 08/967,473

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An application to reissue:

Pat. No: 5,499,956

Issued: 3/19/96

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REISSUE DECLARATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

As an inventor named in the above-identified reissue application, the specification of which is reproduced in U.S. Pat. No. 5,499,956, I hereby declare that:

37 C.F.R. § 1.63 Requirements

My residence, citizenship, and post office address are as stated below;

I am a joint inventor of the claimed invention;

I have reviewed and understand the contents of this application, including the claims;

I believe I am an original and first inventor of the subject matter which is claimed in this application;

I acknowledge the duty to disclose information which may be material to the examination of this application in accordance with 37 C.F.R. 1.56(a); and

37 C.F.R. § 1.175 Requirements

I believe the original patent, U.S. Pat. No. 5,499,956, is partly inoperative because it claims less than what could have been claimed;

One error being relied upon as the basis for reissue is that the original patent does not claim the invention in terms similar to certain claims set forth in U.S. Pat. No. 5,573,480 to Rodgers, Jr.;

Another error being relied upon as the basis for reissue is that the original patent does not claim the invention in terms of a foot support that is (a) constrained to move in regulated fashion in a first direction and (b) free to move in unregulated fashion in a second, generally orthogonal direction;

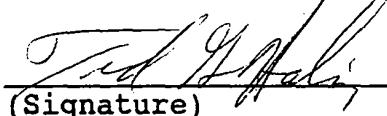
All errors being corrected in this application (up to the time I read and executed this Declaration) arose without any deceptive intention on my part; and

37 C.F.R. § 1.68 Requirements

All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; and these statements are made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment under Section 1001 of Title 18 of the United States

Code, and that willful false statements and the like may jeopardize the validity of this application and any resulting patent.

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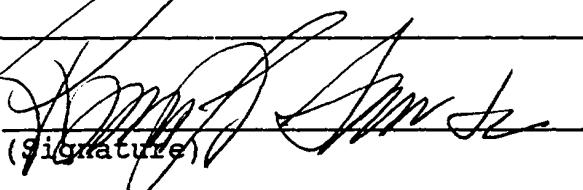
Inventor:  Date: 5-11-98  
(Signature)

Inventor: Theodore G. Habing

Residence: 11348 Murray Ln. California Citizenship: U.S.A.

Address: 11348 Murray Ln., Santa Ana, CA 92705

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Inventor:  Date: 4/14/03  
(Signature)

Inventor: Robson L. Splane, Jr.

Residence: California Citizenship: U.S.A.

Address: 10850 White Oak Ave, Granada Hills, CA 91344

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FIG. 1

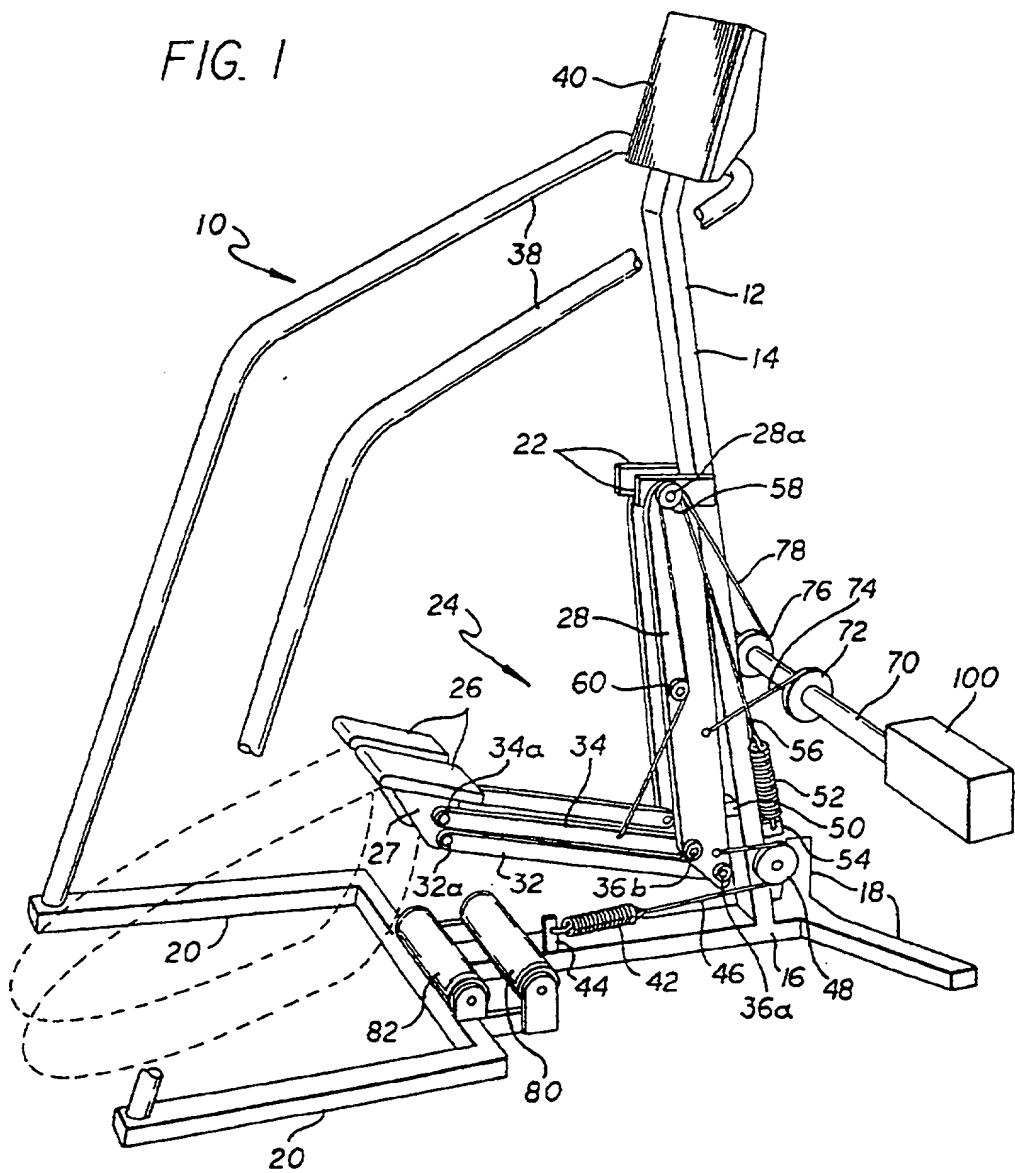
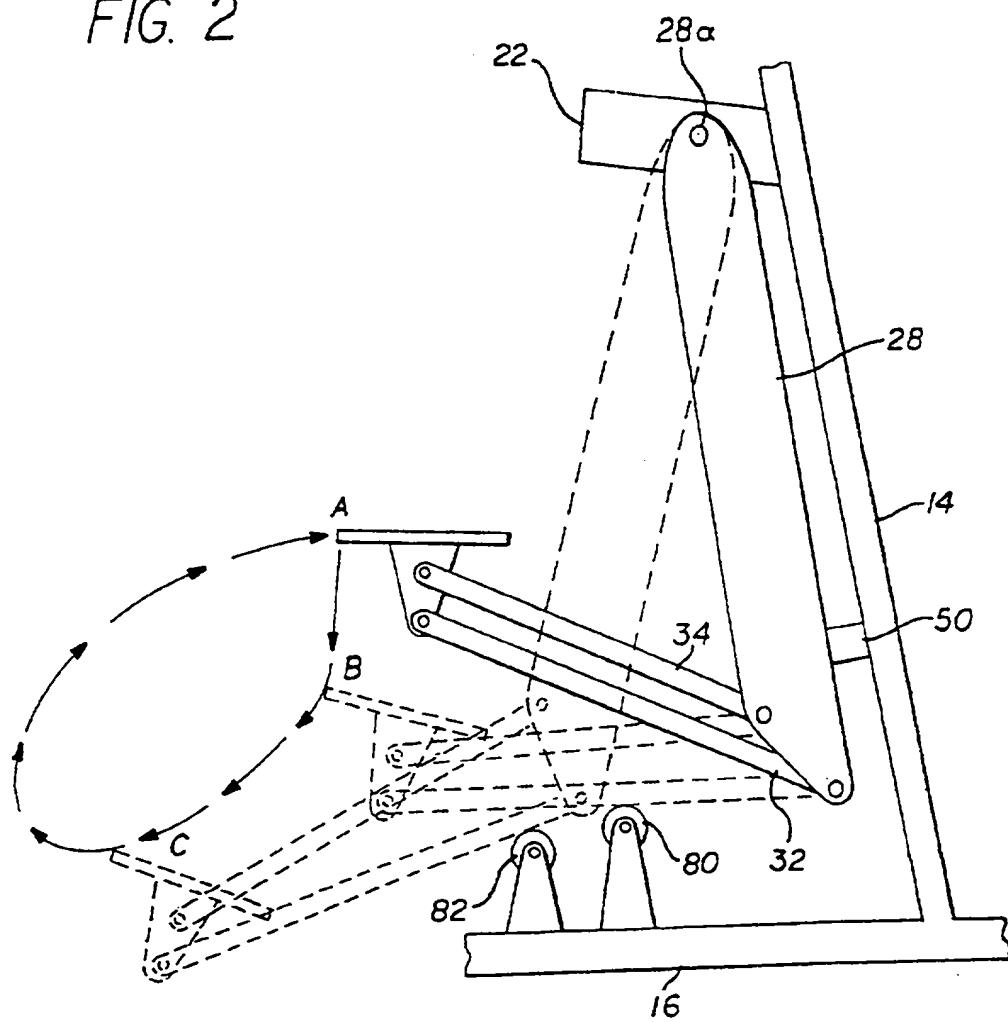


FIG. 2



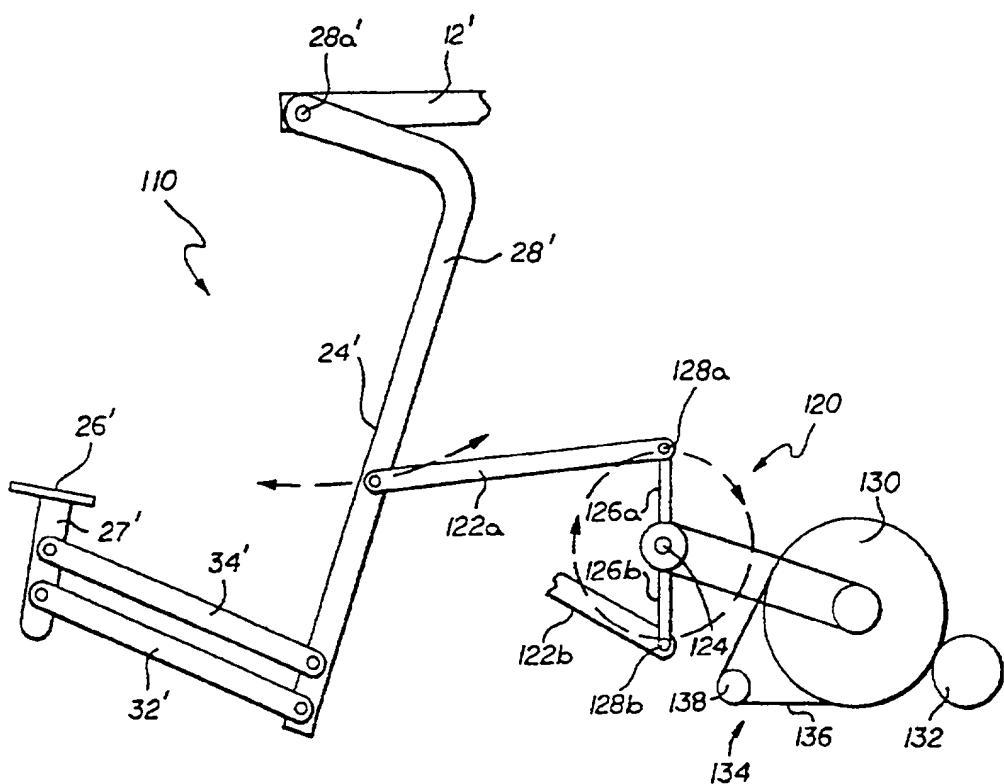


FIG. 3

REISSUE APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Habing et al.

U.S. Pat. No. 5,499,956

Issued: March 19, 1996

Title: ARTICULATED LOWER BODY EXERCISER

Serial No: 08/199,665

Filed: February 22, 1994

DECLARATION OF THE ASSIGNEEAssistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I, Kenneth W. Stearns, hereby declare that:

1. I am authorized to make this declaration on behalf of Stearns Technologies, Inc.
2. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true.
3. These statements are made with the understanding that willful false statements and the like are punishable by fine and/or imprisonment under Section 1001 of Title 18 of the United States Code.
4. These statements are also made with the understanding that willful false statements and the like may jeopardize the validity of the above-identified patent application and any resulting patent.
5. On or about July 14, 1997, NordicTrack, Inc. assigned Stearns Technologies, Inc. all right, title, and interest in and to U.S. Pat. No. 5,499,956.
6. Stearns Technologies, Inc. assents to the surrender of U.S. Pat. No. 5,499,956 and to the filing of the above-identified application to reissue same.

FURTHER DECLARANT SAYETH NOT,

November 10<sup>th</sup> 1997

Date

Signature